REMARKS

Reconsideration of the application in view of the following remarks is respectfully requested.

In the action of February 19, 2002, the examiner rejected claims 1-27 under 35 U.S.C. §103 as unpatentable over Peppel in view of Sehr and Pearson *et al*.

Applicant's invention, in one respect (claims 1-22), concerns an electronic game system using trading cards. The electronic game system includes a control system which operates in accordance with a stored software program. The trading cards have characters thereon which are used in playing the video game as well as a means, such as a reader, for identifying the trading cards selected by players for playing the game. The game includes the feature of connecting the electronic game system to a separate website through a global computer network, such as the Internet. The website has the processing capability of verifying that each of the players have the right to use the cards selected by them for playing the game, and further, stores information associated with the characters on the trading cards, downloading the information to the game control system for playing of the video game after the trading cards have been identified and verified.

In a second aspect of the invention (claims 23-28), the invention includes an electronic game system which includes a control system for carrying out the video game and for controlling the display on a video screen in accordance with a stored software program. The game includes trading cards having characters indicated thereon for playing the game, as well as a reader for the trading cards selected by players for playing of the video game. In this aspect of the invention, the electronic game system, the video screen and the reader are all combined in a single stand-alone unit, such as for instance a single hand-held device.

The claims as presently written define the invention in both of the above aspects over the applied references.

The reference to Peppel, as indicated by the examiner, discloses the use of electronic trading cards (ETC), wherein a user can make, trade and use the trading cards. Use of the Internet is disclosed, but as a means of communication for trading, selling and making the cards. There is teaching in Peppel concerning a software program for making ETCs, as well as the use of ETCs, in a very broad

sense, in ETC adventure games, which can be purchased in the form of a CD-ROM. However, there is no suggestion of an electronic video game system using trading cards in which the system is connectable by means of a server unit to a website via a global computer network. In addition, as the examiner points out, there is no teaching in Peppel for verifying that the players have the right to use their selected trading cards in the particular video game, and there is no teaching concerning the downloading of information from the website into the video game control system. Hence, the key features of the invention of claim 1 are not present in any respect in Peppel.

The same is true for Sehr, which is directed toward a collector card system and various aspects thereof. The Sehr "collector cards" have a variety of features. They are primarily for data storage and/or business transactions. The card can be used to contain, and to have updated, data concerning a particular athlete or sporting event, including updated performance data for the athlete or additional information about the event. In addition, there is teaching concerning authenticating the card relative to a particular person.

However, there is no teaching in Sehr concerning a video game system using trading cards. The Sehr card is used for financial transactions and information and as a data storage device in selected other applications. There is no suggestion of using the cards of Sehr in a video game system, or as trading cards, *i.e.* Sehr's cards have no independent value or utility as a trading card. There is also no teaching in Sehr of connecting a video game system with a website via the internet, and there is no system of verifying a card for use in playing a video game. Lastly, there is no teaching of downloading information concerning the players on the trading cards to the control system of a video game. Hence, while Sehr discloses a substantial amount of information relative to "collectors" cards *per se*, including the updating of particular data on a card and verifying the authenticity of cards, there is no disclosure relative to the video game context set forth in claim 1.

It is acknowledged that Pearson *et al* discloses the use of trading cards in a video sports game system. But there is no disclosure of an Internet-based website which verifies that a player can play the video game with a particular card, and furthermore, no teaching or suggestion of connecting the electronic game system to that website, with the website storing information associated with

the characters on the trading cards and downloading that information to the video game control system after the card has been identified and verified.

Accordingly, there are substantial aspects of claim 1 which are not disclosed or suggested by any of the references, alone or in combination. Hence, claim 1 is patentable as it stands over the references cited by the examiner. Claims 2-22 are dependent upon claim 1, and thus also are allowable. Note claim 10, wherein the video game is adapted to accept replica trading cards and for verifying the ownership of an associated genuine trading card relative to a replica trading card in the video game. None of the references appear to teach this use of verifying replica trading card use and replica trading cards in a video game system.

Accordingly, claims 1-22 are patentable over the cited references.

With respect to claim 23, note again that neither Peppel nor Sehr teach a video game system *per se* using trading cards. Pearson, of course, does teach such a system, but its visual display means, the scanner and the control system are shown as separate elements. Claim 23 combines the display, the control system and a card reader into a single, hand-held unit, such as a hand-held device or a cell phone-like instrument. The combining of these key elements of a video game into a single unit makes possible a device which is easy to transport and still retains the flexibility and capability of a video game which uses trading cards, instead of the more conventional hand-held games in which the game data (character information) is all contained in memory in the device. Use of trading cards with a reader device in a combined unit is a significant advance over conventional hand-held video games. It extends the capability of the conventional video game substantially.

In addition to the above advantages gained by the combination, which is an indication of non-obviousness of the combination given the lack of specific teaching thereof, the combination is not obvious for the additional following reasons. First, the elements of the combination involve separate and distinct disciplines, specifically video game (software) designers, video game hardware (platform) designers, character readers and trading card designers who are graphic and printing specialists. These diverse disciplines have somewhat conflicting purposes and goals in the entertainment arena, particularly the trading card discipline; this diversity makes a combination of the elements unlikely, in the

absence of specific teaching.

There is in fact no single person skilled in all of the disciplines covered by the claimed combination. In fact, the industrial and commercial trend is that trading card readers are designed to be separate from other portions of an overall system, as opposed to combining them in a single, stand-alone unit. Hence, from the standpoint of one skilled in the art, there is no evidence to suggest that the claimed combination is, in fact, obvious.

Second, the combination has an unexpected advantage. By combining the three elements into a stand-alone unit, the user of the game can conveniently add additional information to a game in progress, *i.e.* without having to interrupt the game to have the new card read. With separate elements, such as shown in Pearson, the reading of a card is often a two-handed exercise. The reader may also be inconveniently located relative to the remainder of the system. A combined unit makes it easy for the user to continue to play the game while entering the new trading card into the system. This is an unexpected advantage to the combination, particularly with respect to fast-paced video games. This is additional evidence of the non-obviousness of the combination.

Accordingly, claim 23 is also allowable over the cited references, as well as claims 24-28, which are dependent thereon.

In view of the above, claims 1-28 are in condition for allowance, and such action on the part of the examiner is respectfully requested.

This is to request a two-month extension of time. Enclosed is the required fee of $200. Any additional fees can be charged to Deposit Account 07-1900.

Respectfully submitted,
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